

**Gustave Fischer, Inc.<sup>1</sup> and Teamsters Local 559, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Petitioner. Case 39-RC-3**

July 2, 1981

# DECISION ON REVIEW, ORDER, AND DIRECTION OF ELECTION

On February 6, 1980, the Acting Regional Director for Region 1, issued a Decision and Direction of Election in the above-entitled proceeding, in which he directed an election to be held in a unit of the Employer's full- and part-time warehouse employees, including drivers, helpers, order pickers, receivers, wrappers, setup personnel, and service personnel. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a timely request for review of the Acting Regional Director's decision, contending, *inter alia*, that a unit of all the Employer's employees is the only appropriate unit.

The National Labor Relations Board, by telegraphic order dated March 5, 1980, granted the Employer's request for review insofar as it related to the issue of unit scope.<sup>2</sup> Thereafter, the Employer filed a brief on review.

The Board has considered the entire record in this case and hereby makes the following findings:

The Employer, a Connecticut corporation with its place of business located at 490 New Park Avenue, West Hartford, Connecticut, is engaged in the retail sale and service of office furniture and office supplies. The Petitioner seeks to represent a unit limited to full-time and regular part-time warehouse employees at the Employer's New Park Avenue facility. There is no evidence of any history of collective bargaining with respect to the Employer's employees.

For the reasons set forth below, and based on the record as a whole, we find merit in the Employer's contention that the petitioned-for unit is not appropriate and that a unit of all the Employer's employees is the only appropriate unit herein.

Before embarking upon a full analysis of the facts peculiar to the operations of this Employer, we think it appropriate to restate the concept underlying the congressional mandate that we determine "the unit appropriate for collective bargaining."<sup>3</sup>

In determining the appropriate unit, the Board delineates the grouping of employees within which freedom of choice may be given collective expression. At the same time it creates the context within which the process of collective bargaining must function. Because the scope of the unit is basic to and permeates the whole of the collective-bargaining relationship, each unit determination, in order to further effective expression of the statutory purposes, must have a direct relevancy to the circumstances within which collective bargaining is to take place.<sup>3</sup> For, if the unit determination fails to relate to the factual situation with which the parties must deal, efficient and stable collective bargaining is undermined rather than fostered.

<sup>3</sup> See *American Cyanamid Company*, 131 NLRB 909 (1961).<sup>4</sup>

Thus, in determining the unit herein, an analysis of the various classifications of employees employed by this Employer is incomplete without an examination of how they interact so as to carry out the Employer's business purpose: the retailing of office supplies and furniture.<sup>5</sup>

In addition to the warehouse employees sought by the Petitioner,<sup>6</sup> the Employer seeks to include the following employee classifications in a "wall-to-wall" unit: clerical employees, designers, expeditors, inside order takers, leadmen, maintenance personnel, outside order takers/salesmen, retail store personnel, and switchboard operator.<sup>7</sup> The unit sought by the Petitioner numbers approximately 26 employees, whereas the larger unit which is sought by the Employer would number approximately 64 employees.

The Employer's facility, its only location, consists of a portion of each of two floors, which it leases from the owner of the 490 New Park Avenue building. The remainder of the building is occupied by other tenants. The first floor of the Employer's facility houses the administrative offices and the retail stationery store, as well as stor-

<sup>4</sup> *Kalamazoo Paper Box Corporation*, 136 NLRB 134, 137 (1962).

<sup>5</sup> The Board has long held that "[T]he manner in which a particular employer has organized his plant and utilizes the skills of his labor force has a direct bearing on the community of interest among various groups of employees in the plant and is thus an important consideration in any unit determination." *International Paper Company (Southern Kraft Division)*, 96 NLRB 295, 298, fn. 7 (1951).

<sup>6</sup> The specific employee classifications sought by the Petitioner are: drivers, helpers, order pickers, receivers, wrappers, setup personnel, and service personnel.

<sup>7</sup> Like the Petitioner, the Employer seeks to include both full- and part-time employees, albeit in the larger unit. The parties stipulated that the following individuals are supervisors as defined in the Act and should be excluded from any unit found appropriate: Russell Brault, comptroller; Marc, Richard, and Harold Stahl, officers; Robert Holland, operations manager; John Odell, vice president in charge of supply; and Eugene Berke, office manager.

<sup>1</sup> The Employer's name appears as amended at the hearing.

<sup>2</sup> We take administrative notice of the fact that an election was conducted in this proceeding on March 7, 1980, and that the ballots have been impounded pending our Decision on Review.

<sup>3</sup> Sec. 9(b) of the Act.

age areas A and B, and the warehouse. The second floor, which is reached by stairway from the first floor, consists of the retail furniture showroom and a room used by the Employer's designers.<sup>8</sup>

Storage area A and the warehouse area, located behind and adjacent to the retail stationery store, houses the Employer's shipping and receiving functions, including loading and unloading of trucks, furniture setup and repair, furniture and office supply storage,<sup>9</sup> expediting, and a section for special accounts.<sup>10</sup> The front of the retail stationery store opens onto a parking area from which the general public has direct access to the Employer's facility. The administrative office area, found to the left of the retail stationery store, houses the inside<sup>11</sup> and outside order takers, clerical employees, and the switch-board operator, as well as the executive offices. The second floor, which houses the retail furniture showroom, is staffed by the outside order takers as well as the designers, who are responsible for furniture sales, office design, and maintenance of the showroom.<sup>12</sup>

As noted *supra*, the warehouse employees include drivers, whose primary responsibility is the pickup and delivery of goods;<sup>13</sup> receivers, who load and unload trucks along with the five helpers;<sup>14</sup> the four setup personnel whose primary responsibility is the assembling of furniture—either at the warehouse or at the customer's facility;<sup>15</sup> service personnel, who are concerned with repair of damaged furniture;<sup>16</sup> pickers, who fill customer

orders from the warehouse and storage areas;<sup>18</sup> and wrappers, who prepare goods for shipment.<sup>19</sup> The record reflects, however, that the division of labor is not "hard and fast." Thus, depending upon the size of a particular shipment being received, classifications in addition to the receivers will unload and help with the accompanying paperwork.<sup>20</sup> There are, in addition, shipments known as "steel" shipments, which include metal desks, filing cabinets, shelving, chairs, etc., and which are shipped to the Employer when the total weight reaches 12,000 pounds, regardless of the order that the Employer has on hand. Such shipments occur at approximately 5-day intervals and are unloaded by all available personnel. In addition, because the "steel" shipments are not keyed to customer orders, any particular shipment almost never contains a complete order for any particular customer. The receiver, therefore, picks up invoices from the administrative offices, sorts the "steel" by order number, and then reports to the expeditor located in the storeroom area. The expeditor then checks with the particular customer to see if it will accept a partial shipment and relays the response back to the receiver. It should be noted that most shipments are received through the warehouse, although art objects are delivered through the "front door," and the more expensive items such as calculators and "Cross" pens are delivered through the retail store.

There are two individuals, Henry Cutler and Michael Scirocco, whom the Employer classifies as warehouse leadmen in furniture and stationery, respectively. The Petitioner, contrary to the Employer, contends that these individuals are supervisors and that they should therefore be excluded from the unit. The record reveals that without the approval of higher management, both Cutler and Scirocco have interviewed and hired employees to work in the warehouse and that Scirocco, on his own initiative, has issued written warnings to employees. In addition, both Cutler and Scirocco have effectively recommended the discharge or discipline of warehouse employees. In agreement with the Acting Regional Director, we hold that the two leadmen possess and exercise at least some of

<sup>8</sup> A pictorial representation of the Employer's premises based on the Emp. Exh. 2, and the record as a whole is attached as Appendix A.

<sup>9</sup> Most of the "good" furniture is stored in storage area B where there is less activity and therefore less chance of damage.

<sup>10</sup> The storage-warehouse area is staffed by employees whose classifications appear in fn. 6, *supra*.

<sup>11</sup> Emp. Exh. 2 and fn. 8, *supra*, reflect that the inside order takers are located in a room that opens onto both the administrative offices and the storage-warehouse area. They are, in addition, separated from the retail store by a low partition.

<sup>12</sup> The outside order takers are also referred to as salesmen.

<sup>13</sup> It should be noted that the administrative offices also serve as a demonstration area to "show off" the design capability of the Employer's furniture.

<sup>14</sup> In addition to the delivery of goods, the six drivers may also pick up written orders from various customers and, upon their return, route the order directly to the special accounts person, or to an inside or outside order taker. It should also be noted that in an emergency, employees other than drivers will make a delivery, although most of the furniture and stationery is delivered by the drivers. The Employer maintains five trucks, one van, and five cars (including a station wagon).

<sup>15</sup> In addition to the job of unloading, the three receivers are responsible for sorting the incoming shipments so that the goods are routed to the correct area, where they either are stored or immediately transhipped to fill a customer order.

<sup>16</sup> It should be noted that the complicated setup jobs are often performed by the service man; or, if the outside order taker/salesman is familiar with particular product, he will do the setup work. On a few occasions, a manufacturer will send one of its own employees to do a particular setup job.

<sup>17</sup> At the hearing, the parties stipulated that the serviceman should be included in any unit found appropriate.

<sup>18</sup> In addition to picking orders, the four pickers often go to the administrative offices to pick up orders from the inside order takers, outside order taker/salesmen, or managerial personnel. They also notify Odell or Holland (who do most of the buying) if the Employer is "low" on any of the goods stored in the warehouse.

<sup>19</sup> There are two wrapping areas: warehouse and special accounts. The three wrappers prepare goods for shipment by truck, UPS, and Parcel Post. The record reflects that given the exigencies of any particular situation any and all employees are called upon to wrap.

<sup>20</sup> This would include, for example, drivers, helpers, setup personal, pickers, and whoever might be available, including administrative personnel and sales employees.

the indicia of supervisory authority, and that they are supervisors within the meaning of the Act. They are therefore excluded from the unit found appropriate herein.

The area between the warehouse and storage area A is designated as the special accounts area. It is staffed by three of the pickers and one of the wrappers, although the inside order takers have jurisdiction here as well. Special accounts fills a warehousing need for some of the Employer's customers who are not able or willing to maintain their own stock. Thus, in some cases, the merchandise stored in special accounts is already owned by the customer; in addition to other merchandise which is more or less constantly supplied to other customers, and which is stored and shipped from special accounts on an "as needed" basis. Special accounts maintains its own wrapping counter and billing system. One of the pickers, Poulin, might come to the administrative area to consult with the appropriate clerical about billing or to otherwise clarify a particular order. Thus, Poulin would consult with inside order takers, outside order takers/salesmen, or any of the corporate officers, some of whom service certain special accounts. The record reflects that Poulin could be in the administrative area as many as eight times during any working day.

The two expeditors, who are assisted by two clerical employees, are located in the storeroom area. These employees are basically "trouble-shooters," who field inquiries from the warehouse and other staff, as well as from the Employer's customers. The inquiries might relate to the status of a particular order or the location of a particular piece of merchandise. The expeditors also make up service and repair orders phoned in by customers and respond to any customer complaints. In addition, they coordinate the timing of shipments. Thus, the expeditors are in close and constant communication with all areas and facets of the Employer's operation.

The five inside order takers, who are located between the retail store and the administrative area, take phone and mail orders for office supplies and are also involved with the special accounts section, for which they take calls requesting merchandise, edit request forms, and pick stock if the pickers are busy. They routinely fill in at the retail store during lunch and, because they have a view of the store by virtue of the low partition between them and the store, they can observe when the store is busy and they therefore assist the retail store personnel on an "as needed" basis. The record reflects that the inside order takers spend perhaps 30 to 35 percent of their time processing mail or phone

orders, 30 percent of their time picking orders, and 30 to 35 percent of their time involved with special accounts.

The retail store personnel consists of one full-time and one part-time (22 hours/week) employee. They are responsible for sales from the store and for keeping the store fully stocked. The stocking responsibility requires their presence in the warehouse-storage area where they pick their stock. As noted, *supra*, the inside order takers fill in during lunch on an "as needed" basis. If a customer desires an item not displayed in the store, then the store employees either bring it from the warehouse, or else bring the customer directly to the warehouse to view the merchandise.

The 10 outside order takers, hereinafter referred to as salesmen, sell stationery and furniture. They perform their jobs by telephone and visits to customers and they are also responsible on a rotating basis (approximately 2 days per month per person) for staffing the second floor furniture showroom. They are assisted in the showroom as needed by the three designers and, on occasion, by an experienced warehouse employee (not named in the record), or Marc Stahl, one of the Employer's officers.<sup>21</sup> The salesmen are often in the special accounts area where the Employer maintains stock for any of their customers that need the service provided by that section, and the record reflects that one of the salesman regularly "picks" orders for his own accounts and delivers the orders himself. In addition, the evidence showed that all salesmen pick at one time or another, either because there is a rush order from one of their accounts, or merely if they have the time available; and that they spend some of their time stocking shelves in the special accounts area.

The designers, two full time and one part time, are located on the second floor adjacent to the furniture showroom. As noted, *supra*, they assist the salesmen in staffing the furniture showroom. They also accompany salesmen on visits to customers where their design expertise might be of assistance. They perform their design duties both at the customer's facility and in their own area on the Employer's premises.

The part-time maintenance, or cleaning man, works from 7 a.m. until noon, 5 days per week. He is responsible for cleaning the administrative offices. The record reflects that when the cleaning man is absent from work warehouse employees perform his tasks.

<sup>21</sup> The record also reflects that furniture customers are often brought to the administrative office to show a particular furniture "grouping," nor is it unusual to bring a customer directly to the warehouse to view furniture not on display in the second floor showroom.

The Employer employs 12 clerical employees, including clerks, typists, a bookkeeper, a file clerk, and a switchboard operator. Caroline Dolan, who performs some typing duties for Marc Stahl, one of the Employer's officers, spends the major part of her day doing the typing, calculating, and filing associated with accounts receivable. She also extends shipper invoices prepared by the inside order takers. Like Dolan, Helen Anderson also performs clerical duties associated with accounts receivable. The accounts payable clerk is Sue Ferguson, who deals with the "receiving" documents that reflect goods delivered to the Employer. It is Ferguson who checks the vendor bills against the receiving documents so as to determine whether the Employer has actually received the merchandise for which it is paying. If there are discrepancies, the receiver comes to the administrative area to help resolve any difficulty. There are also occasions when the warehouse employees receive merchandise for which there is no paperwork. In that situation, the receiver would have to check with the clerk in the administrative area who typed the purchase order, in addition to the expeditor, who would contact the vendor who had delivered the unaccounted-for merchandise. This type of interplay between the warehouse and office also occurs with respect to special accounts—furniture or stationery. Deena Levine, another clerical employee, performs all the calculating work with respect to special accounts, and, if she uncovers any discrepancies, checks with the inside order takers, who oversee this area. The Employer employs four individuals informally classified as typists. Two employees, Sue Anderson and Toni Santoro, are full time and work with furniture and stationery accounts, respectively. Beverly Crockett and Theresa St. Jean are employed on a part-time basis. All of these individuals type purchase orders and extend invoices.<sup>22</sup> Emily Odell, also employed as a clerical, types purchase orders. The remaining clerical employees are Nancy Lindgren, a file clerk; Patricia McCabe, bookkeeping machine operator; and the switchboard operator, not identified by name. In addition to her telephone duties, at which she spends 40 to 50 percent of her time, the switchboard operator proofreads typed invoices which reflect customer orders taken in longhand, and routes them to their destination; she also extends invoices on special accounts. Patricia McCabe records vendor invoices for all accounts payable and writes the checks with which the vendors are paid. She also applies all customer invoices and payments against the Employer's ac-

<sup>22</sup> The record reflects that one of the clericals assists the expeditors in keeping the furniture inventory records, but does not reflect the name of the particular clerical involved.

counts receivable. The record reflects that Nancy Lindgren, in addition to her mail and filing duties, does some calculating.

The evidence shows that all employees who work in excess of approximately 20 to 30 hours per week have equal access to the following benefits: hospitalization insurance, short-term disability insurance, CMS insurance, life insurance,<sup>23</sup> extended sick leave,<sup>24</sup> incentive plan profit-sharing, Christmas bonus, vacation, paid holidays, and the affirmative action plan. With respect to compensation, clerical employees are salaried,<sup>25</sup> although those not working 40 hours per week are hourly paid. The full-time designers are salaried and, in addition, receive a 1.5 percent commission on certain jobs, depending on the size of the job and the extent of design work needed. The part-time designer is paid hourly. Salesmen have a choice as to whether they wish to work on a "straight" commission basis or receive a weekly "draw" plus commission. Drivers, helpers, expeditors, maintenance person, order pickers, receivers, setup persons, and wrappers are all hourly paid. Inside order takers are salaried, although they do, at times, receive compensation for special overtime work. The retail store employees are both salaried and hourly paid.<sup>26</sup>

In *A. Harris & Co.*, 116 NLRB 1628 (1956), the Board formulated the conditions under which separate warehouse units would be granted. The Petitioner in *Harris* sought to "represent the employees

<sup>23</sup> Salesmen receive \$7,500 life insurance, and all other employees receive \$5,000 in life insurance coverage.

<sup>24</sup> Because salesmen are, for the most part, paid on a commission basis, they do not receive paid sick leave.

<sup>25</sup> The switchboard operator, however, is hourly paid.

<sup>26</sup> The range of compensation per week for the various classifications of the Employer's employees are (the numbers reflect dollars per week):

Clericals	130-185
Designers	
(plus commission in certain	
circumstances)	150-205
Drivers	170-180
Expeditors	180-200
Helpers	130-180
Inside Order	
Takers	180-205
Maintenance	
Person	130
Receivers	160-180
Retail Store	
Personnel Service	180-220
Person	180
Set-up	
Personnel	140-180
Switchboard	
Operator	165
Wrappers	120-170

Five of the salesmen work on a "straight" commission basis and earn between \$20,000 and \$60,000 per year, but are not reimbursed for automobile expenses. The remaining five salesmen who received some salary and commission earn between \$10,000 and \$25,000 per year and receive some automobile reimbursement.

forming a distinct and identifiable administrative segment of the Employer's operations devoted essentially to warehousing functions, in circumstances disclosing that such employees: (a) are under supervision separate from other employees; (b) perform substantially all their work tasks in buildings geographically separated from those in which the bulk of the remaining employees of the Employer work; and (c) are not integrated, to any substantial degree, with employees in other divisions in the performance of their ordinary duties." *Supra* at 1632.

In concluding that a separate warehouse unit was warranted on the facts presented here, the Acting Regional Director relied upon his findings that the warehouse employees are subject to separate immediate supervision, that the warehouse is geographically separate "from the plant's other operations," that there is a lack of substantial integration of job duties between warehouse employees and other employees, that the warehouse employees experience separate working conditions, and that there is a lack of any temporary interchange or significant transfers between the warehouse and other employees.

Upon a consideration of all the facts, we find the petitioned-for unit, which is limited to the Employer's warehouse employees, to be inappropriate herein. Although the Employer's business requires a division of labor based upon the various needs peculiar to this type of retail establishment, the arrangement of its employees into departments or classifications is not the controlling factor herein. Thus, contrary to the Acting Regional Director's finding, the record shows a highly integrated operation with a substantial degree of interaction among the various classifications of employees, where the emphasis appears to be placed upon completing the task at hand, rather than upon the particular classification of employee involved. It is also clear that the employees herein exhibit a high degree of flexibility in the performance of their duties. This flexibility is underscored by the use of employees "as needed," as well as by the Employer's mode of promotion, which involves movement of an employee through a progression of classifications.<sup>27</sup> In addition, in terms of the community of

<sup>27</sup> The record reflects that three individuals started with the Employer as stockhandlers, worked in the storage area as pickers, and now work as inside ordertakers and expeditors. Robert Holland, now operations manager, began his employment as a picker (a job which he still performs on occasion), as did John Odell, vice president in charge of supply, and Marc Stahl. Three employees who are now salesmen began their employment with the Employer in the warehouse, then became inside order takers before assuming their sales positions. Three former employees (salesmen) progressed in a similar fashion. The importance of this type of progression was explained by Marc Stahl:

interest among the Employer's employees, we have taken into account the fact that all the employees share a common work situs, and that the Employer's method of operation promotes interchangeability and contact among its employees. Furthermore, the employees share, for the most part, common fringe benefits; and although there is evidence of division of supervision, there does not appear to be a fixed chain of command, and the high degree of employee interaction tends to blur supervisory distinctions.

Based upon a consideration of all the evidence, we find that the petition-for unit does not meet the *A. Harris & Co.*, standards for a separate warehouse unit, and we therefore find an all-employee unit to be appropriate herein.

In view of the foregoing, and as the Petitioner has indicated a willingness to proceed to an election in the broader unit asserted by the Employer to be appropriate, we shall order that the election conducted March 7, 1980, be vacated and shall direct an election in the unit found appropriate herein, as described below.<sup>28</sup>

#### ORDER

It is hereby ordered that the election conducted March 7, 1980, be, and it hereby is, vacated.

[Direction of Election and *Excelsior* footnote from publication.]

#### MEMBER JENKINS, dissenting:

The Petitioner sought and the Regional Director found appropriate a unit of approximately 26 warehouse employees in the Employer's retail office furniture and supply outlet. The requested warehouse employees include drivers, helpers, order pickers, receivers, wrappers, setup personnel, and service personnel, all of whom work predominantly in the warehouse areas of the Employer's facility when they are not serving customers outside the premises by performing such functions as delivery

It is important because in the training of somebody, because of the number of items that we handle, which is some 20,000 different items, it is important to learn the stock, packaging, the size of the items, what the items are made up of and that is really the roots of the business, and that's the place you have to learn it and that's where I started and where almost everybody, unless they have had prior experience in the business, that's where they start.

<sup>28</sup> As the unit found appropriate herein is larger than that requested, the Petitioner is accorded a period of 10 days in which to submit the requisite showing of interest to support an election herein. In the event the Petitioner does not wish to proceed to an election herein, it may withdraw its petition without prejudice by notice to the Regional Director within 7 days from the date of this Decision on Review, Order, and Direction of Election.

All full-time and regular part-time employees of the Employer employed in its retail office supply and furniture operation at its 490 New Park Avenue, West Hartford, Connecticut location, excluding managerial employees, guards, and supervisors as defined in the Act.

and assembly or repair of furniture. They are separately supervised by two warehouse leadmen, although they are under the general supervision of the operations manager, who has responsibility also for other employees. Some warehouse employees have daily contact with employees in administrative and clerical positions outside the warehouse, and nonwarehouse employees sometimes are called upon, on an "as needed" basis, for temporary assistance in handling warehouse functions such as unloading periodic large furniture shipments. A few nonwarehouse employees spend as much as 30 percent of their time performing functions in warehouse areas. There is some opportunity for upward mobility from warehouse jobs to sales or, eventually, administrative positions.

Taking *A. Harris & Co.*, 116 NLRB 1628 (1956), as the last word on the subject of the appropriateness of warehouse units, the majority concludes that this warehouse unit is inappropriate. However, as the Regional Director recognized, the Board has taken a more flexible approach in recent years than it did 25 years ago. Thus, in *Sears, Roebuck and Co.*, 235 NLRB 678 (1978), we found a unit of employees performing traditional warehousing and delivery functions to be appropriate notwithstanding the presence of clerical, service, and retail parts sales employees at the same facility, some work contact and job overlapping with these employees, some opportunity for job progression, and some degree of functional integration. On facts broadly similar to *Sears*, we also found appropriate, in *Welsch Lumber and Supply, Inc., d/b/a Big Buck Lumber*, 241 NLRB 639 (1979), a unit of employees performing true warehousing functions in an area not geographically separated from the employer's other operations. And earlier this year we followed *Sears* and *Big Buck Lumber* in finding appropriate a separate warehouse employees' unit within a single facility which, like the facility involved in the instant case, was a retail furniture outlet. *Wickes Furniture, A Division of the Wickes Corporation*, 255 NLRB No. 80 (1981). In place of the categorical imperatives of *A. Harris & Co.*, these decisions relied on the existence of a separately identifiable community of interest among the employees sought—a ground more consonant with the principles with which the Board traditionally approaches unit determinations. I find this line of analysis to support the Regional Director's conclusion here. On the basis of his analysis of the facts relating to this issue, as set forth in Appendix B of this opinion, and my own observations above, I would find the requested unit to be appropriate.

## APPENDIX B

The Employer, a Connecticut corporation with its principal place of business located at 490 New Park Avenue, West Hartford, Connecticut, is engaged in the retail sale and service of office furniture and office supplies. Solely involved in this proceeding is the Employer's New Park Avenue facility where it leases two floors in a multistory building. Situated on the first floor are the Employer's administrative offices, which are surrounded on three sides by two warehouse areas, and a retail store. The retail store, where office supplies are sold, is separated from the administrative area by a partition which is over 6-1/2 feet high. Situated on the second floor, which is utilized for the retail sale of office furniture, is a showroom and sales area.

Working in the warehouse areas are 26 employees classified as drivers, helpers, order pickers, receivers, wrappers, setup personnel, service personnel, and leadmen. Working in the first floor administrative offices are 31 employees classified as clericals, expeditors, outside order takers, inside order takers, a switchboard operator, and a maintenance employee. Also located in the administrative offices are 3 company officers and the comptroller, the operations manager, the vice president of supply and the office manager. Working in the retail store are 2 individuals classified as retail store personnel. Working on the second floor are 3 employees classified as designers. Also located on the second floor, on a rotating basis, is one of the above-mentioned outside order takers.

Those employees working in the warehouse perform the following tasks: Drivers and helpers deliver merchandise to customers, load and unload shipments, perform simple setups of merchandise, and generally assist in the warehouse wherever they are needed. Receivers sort incoming merchandise by order numbers, checking the items received against the order number. Order pickers fill outgoing orders by removing merchandise from the shelves. Wrappers wrap merchandise for shipment. Setup personnel assemble furniture in the warehouse as well as at a customer's premises. Service personnel repair and service merchandise in the warehouse as well as at a customer's premises.

Those employees working in the administrative office perform the following task: Inside order takers receive orders for merchandise by phone or mail, and staff the retail store each day at lunchtime. They are also responsible for the "special accounts" section of the warehouse, which requires them to spend approximately 30% of their time each day in the warehouse. Outside order takers (also referred to in the record as salesmen), visit customers' premises and solicit orders for merchandise. They also staff the furniture showroom on the second floor, and at least one salesman delivers merchandise to customers approximately once a week. Although the record also indicates that outside order takers pick their own orders in the warehouse at least twice a day, there is no indication as to the length of time they engage in this task. Expeditors receive and investigate inquiries related to orders, writeup service and repair orders and coordinate the delivery of merchandise. In the performance

of those duties expediters spend between 5 and 10% of their time each day in the warehouse.

The clerical employees who work in the administrative office perform a wide variety of functions. Some are engaged solely in the typing and filing of invoices and bills. Others have more specific job functions. Thus, the accounts payable clerk checks vendor invoices against a report containing a list of merchandise which has actually been received in the warehouse. If there are no discrepancies, the accounts payable clerk will attach the paperwork indicating which merchandise has actually been received to the vendor invoice and process it for payment. If there is a discrepancy, the clerk will work with an expeditor to seek an explanation from the vendor. The accounts payable clerk also performs the same functions with regard to the special accounts section of the warehouse, causing the accounts payable clerk to visit the warehouse at least once a day to resolve discrepancies. One clerical works primarily for the president of the Company, taking dictation and answering his phone. In addition, she types, operates a calculator, files documents and performs paper work relating to accounts receivable. Another clerical is responsible for typing vendor purchase orders. There is also a clerical who is responsible for operating the bookkeeping machine, preparing checks and applying customer invoices and payments against customer accounts. The switchboard operator, in addition to answering all incoming calls and acting as a receptionist, spends 40 to 50% of her time proofreading invoices, extending invoices, doing calculations, and matching customer confirmation orders. It appears that, in the performance of their duties, clerical employees are called upon to enter the warehouse. Such visits occur about 4 times a month and last for only 5 minutes, and are generally confined by contacts with the warehouse supervisors.

The two retail store personnel sell office supplies to customers in the retail store. In so doing, approximately 3 times a day they are called upon to take various customers into the warehouse to examine merchandise. They are also responsible for stocking the shelves in the retail store by picking up merchandise from the warehouse. Finally, the designers, who are primarily engaged in designing furniture, work either in their office on the second floor or at the customers premises. They also show customers how to use certain merchandise which is on display in the administrative office area.

Warehouse employees enter the administrative offices at least 3 times each day, at which times they come into contact with clericals, expediters, and inside and outside order takers. However, it is clear that such contacts are limited to the clarification of paperwork, and that the administrative personnel usually contacted are either the office manager, operations manager, or vice-president of supply. Although there is a conflict in the record as to

whether order pickers enter the office to pick up an order for processing, rather than picking up the orders from a basket in the warehouse, it is clear that the amount of time spent in performing this task is minimal. Moreover, there is no indication in the record that warehouse employees enter the retail store. The record further reveals that fringe benefits are the same for all employees (with minor exceptions for outside order takers and designers). However, the maximum weekly wage for a warehouse employee is \$180.00 per week, whereas all of the employees in the administrative office and the retail store (except the switchboard operator) earn significantly more than \$180.00 per week. In addition, all warehouse employees are paid on an hourly basis and punch a time clock located in the warehouse, whereas all full-time administrative office and retail store personnel (except for the maintenance man) are salaried. Warehouse employees report to work no later than 8:00 a.m. Administrative office and retail store employees start work as late as 9:00 a.m. Only five warehouse employees have ever transferred to positions in the administrative office. No employees have transferred into warehouse classifications, and there is no evidence of any temporary interchange or transfer between warehouse and other employees.

There is general testimony in the record that Operations Manager Holland, who is primarily responsible for the supervision of the inside order takers, spends about 30% of his time "supervising" the warehouse. While other company officials visit the warehouse at least once or twice a day, such visits appear to be of very brief duration and there is no indication that during these occasions, the officials engage in any supervisory functions. Indeed, the record clearly establishes . . . that the direct and immediate supervision of the warehouse is performed by the two leadmen, Cutler and Scirocco, and that these individuals do not supervise any other employees.

Based upon the foregoing and the record as a whole, and noting particularly the separate immediate supervision received by warehouse employees, the geographical separation of the warehouse from the the plant's other operations, the lack of substantial integration of job duties between warehouse employees and other employees, the separate working conditions experienced by warehouse employees, and the lack of any temporary interchange or significant transfers between warehouse and other employees, I find that the warehouse employees sought by the Petitioner share a distinctive community of interest which warrants their representation in a separate unit. *Sears, Roebuck and Co.*, 235 NLRB 678 (1978); *Joske's Houston*, 233 NLRB 31 (1977); See also *Wickes Furniture, A Division of The Wickes Corporation*, 231 NLRB 154 (1977).